

FILED

JUL 27 2010

DAVID CRAWLEY, CLERK  
BY *[Signature]* Deputy

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

BETTIE BIDDLE,

Plaintiff,

vs.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

Case No.:

*1:10CV189-SA-D*

PLAINTIFF'S COMPLAINT

AND DEMAND FOR JURY TRIAL

**COMPLAINT**

BETTIE BIDDLE, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against NCO FINANCIAL SYSTEMS, INC., ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of MISSISSIPPI, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

**PARTIES**

6. Plaintiff is a natural person residing in West Point, MS.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: NCO Financial Systems, Inc., 507 Prudential Road, Horsham PA 19044.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

**FACTUAL ALLEGATIONS**

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for the alleged debt.

12. Defendant calls Plaintiff from telephone number 800-401-7073 and 800-761-4990 seeking and demanding payment for the alleged debt.

13. Defendant has caused Plaintiff personal phone and has engaged Plaintiff and in telephone conversations repeatedly.

14. Defendant did not send Plaintiff a validation letter.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:

a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural

consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

- b.) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c.) Defendant violated §1692g of the FDCPA by failing to send a notice letter after initial contact with the Plaintiff.
- d.) Defendant violated §1692g(b) of the FDCPA by continuing collection attempts on the alleged debt prior to its validation.

WHEREFORE, Plaintiff, BETTIE BIDDLE, respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, BETTIE BIDDLE, demands a jury trial in this case.

RESPECTFULLY SUBMITTED. Dated: July 26, 2010

By: 

Bruce L. Barker  
Attorney for Plaintiff

Bruce L. Barker  
MS Bar No. 103247  
ELMORE & ASSOCIATES  
401 E. Capitol St., Ste. 100M  
Jackson, MS 39201  
Tel: 601-353-0054  
Fax: 601-510-8188  
barker.elmoreassoc@gmail.com

Of Counsel to:

Alex Simanovsky & Associates, LLC  
2300 Henderson Mill Road, Suite 300  
Atlanta, Georgia 30345  
678-781-1012